HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8174 of 2007

Dated:19.04.2007

Between:

A.Bikshapathy.

…Petitioner

and

The Commissioner, Panchayat Raj and Rural Employment, and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8174 of 2007

ORDER:

The petitioner is a Class-V Contractor with the Panchayat Raj Department. He was entrusted road laying works under MNP 2004-2005 grants at the estimated cost of Rs.9,97,760/-. The petitioner completed the works and submitted the bills. According to the petitioner, there is no dispute about the amount claimed by him and there is no reason for not accepting the bills and paying the amount. Therefore, the petitioner seeks a writ of Mandamus directing respondents 1 to 5 herein to release the final bill amount of Rs.9,97,920/- for the works executed by him and for such other orders.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj, this Court is of considered opinion that a petition under Article 226 of the Constitution of India for payment of money ordinarily would not lie. If the contractor is not successful in getting the amount released or in getting the payment for the work done under a contract, remedy lies elsewhere. Learned counsel for the petitioner placed reliance on the Division Bench judgment of this Court in **G.Rajender Reddy and Company, Hyderabad v. Government of A.P.**[1], in support of the contention that in the absence of any dispute regarding the work done or regarding the amount paid, a writ petition would lie. This Court after perusing the judgment holds that the case is distinguishable. When a writ petition is filed for a declaration and for payment as a consequential direction, the situation is different. In this case, indeed,

he seeks a relief, which he can only seek from a civil Court.

The Writ Petition is, therefore, dismissed. No costs.

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(V.V.S.RAO, J)

19.04.2007
GJ

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[1] 2002 (4) ALD 746 (DB)